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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,464	06/23/2003	Ronald Brooks Miller	M0977.001	2224
37771	7590	10/09/2007		
John Nielsen RANDICK O'DEA & TOOLIATOS, LLP 5000 HOPYARD ROAD, SUITE 400 PLEASANTON, CA 94588			EXAMINER PATEL, ISHWARBHAI B	
			ART UNIT 2841	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10601464	6/23/03	MILLER, RONALD BROOKS	M0977.001

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EXAMINER

Ishwar (I. B.) Patel

ART UNIT	PAPER
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2841

20070930

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Response to amendment attached.

***Response to Amendment***

1. The reply filed on July 24, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In response to Non-Final rejection mailed on January 24, 2007 applicant amended the independent claim 18 and added new independent claim 32 (along with dependent claim 33-39). There is a restriction requirement (restriction mailed on June 1, 2005) in the application and specie II, reading on figure 2, was elected for the prosecution. The amended (and newly added) claims read on a different specie. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. The amendment filed on September 5, 2006 amending all the examined claims drawn to the elected invention and presenting only claims drawn to a non-elected (new specie of the invention) is non-responsive (MPEP § 821.03). See 37 CFR 1.111.


Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ishwar (I. B.) Patel whose telephone number is (571) 272 1933. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272 1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ibp  
September 30, 2007

  
Ishwar (I. B.) Patel  
Primary Examiner  
Art Unit: 2841